

**RETURN OF SERVICE**

Service of the Summons was made by me	Date	7-11-08 @ 12:55PM
Name of Server	Title	Process Server
<u>ERIC MOSTAL</u>		

Check one space below to indicate appropriate method of service.

Served personally upon the defendant Edens Bank c/o  
Robert Barnes, branch manager

Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left. \_\_\_\_\_

Returned unexecuted. \_\_\_\_\_

Other (specify). \_\_\_\_\_

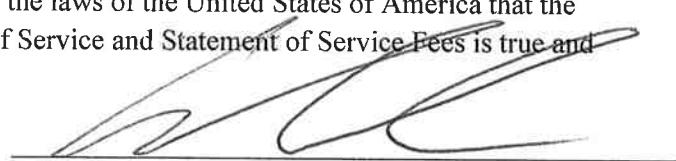
**STATEMENT OF SERVICE FEES**

Description	Unit Price	Total
	<u>85.00</u>	<u>85.00</u>

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 7-11-08  
[insert date]



Signature of Server

P.O. Box 971, Elgin IL 60121  
Address of Server

**CERTIFICATE OF MAILING**

I hereby certify that, within 2 business days of service upon the garnishee summons, affidavit, interrogatories and garnishment notice, I served upon the judgment debtor in this cause a copy of the garnishment summons and garnishment notice by first class mail to the judgment debtor's address as indicated in the garnishment notice.

Date: 7-14-08

Signature: 

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

INTERNATIONAL UNION OF OPERATING	)
ENGINEERS, LOCAL 150, AFL-CIO,	)
Plaintiff,	)
	) CIVIL ACTION NO. 07 C 6938
vs.	)
	) JUDGE Manning
PRAIRIE ROCK EXCAVATING, LLC,	)
an Illinois limited liability company	) MAGISTRATE JUDGE: Cole
Defendant,	)
	)
and	) RETURN DATE: <u>July 31, 2008</u>
	)
EDENS BANK,	)
Wilmette, IL 60091	)
Garnishee.	)

**GARNISHMENT SUMMONS (NON-WAGE)**

**TO THE GARNIShee:**

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, in the office of the Clerk of this Court located at U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604 (312) 435-5670, on or before\* July 31, 2008. However, if this summons is served on you less than 10 days before that date, you must file answers to the interrogatories on or before 14 days after that date. IF YOU FAIL TO DO SO, A CONDITIONAL JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.

**TO THE OFFICER:**

This summons must be returned by the officer or other persons to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than the above date. *Further, within two (2) business days of service upon the garnishee, you shall mail a copy of the garnishment notice and summons to the judgment debtor by first class mail at the judgment debtors address indicated in the garnishment notice. You are further directed that within four (4) business days of service upon the garnishee that you shall file with the Clerk of this Court a certificate of mailing.*

MICHAEL W. DOBBINS  
Clerk of Court

(Seal of Court)

LURI ISUFI  
Deputy Clerk

JUL - 8 2008  
Date

Melissa L. Binetti  
Attorney for Plaintiff  
Local 150 Legal Department  
6140 Joliet Road  
Countryside, IL 60525  
Ph. 708/579-6663  
Fx. 708/588-1647

Date of Service: 7-11-08  
(To be inserted by Officer on copy left with the Garnishee  
or other person)

**NOTE:** This summons is issued pursuant to Rule 69(a) of the Federal Rules of Civil Procedure.

\* 21-30 days after date of issuance of this summons.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**NON-WAGE GARNISHMENT NOTICE**

INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 150, AFL-CIO

Judgment Creditor

v.

PRAIRIE ROCK EXCAVATING, LLC

Judgment Debtor

CIVIL ACTION NO. 07 C 6938

JUDGE: Manning

MAGISTRATE JUDGE: Cole

RETURN DATE: July 31, 2008

Judgment Debtor:

Judgment Creditor/Creditor's Attorney:

Name:	Prairie Rock Excavating, LLC
Address:	c/o Joe Baldo, President & Registered Agent
City:	1415 Wilmot Road
Telephone:	Deerfield, IL 60015

Name:	Melissa Binetti
Address:	Local 150 Legal Department
City:	6140 Joliet Road
Telephone:	Countryside, IL 60525

Judgment in the amount of: \$6,025.06

708/579-6663
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Garnishee: EDENS BANK, 3245 West Lake Avenue, Wilmette, Illinois 60091

**NOTICE**

The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishment summons was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail.

**CLERK, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

INTERNATIONAL UNION OF OPERATING	)	
ENGINEERS, LOCAL 150, AFL-CIO,	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 07 C 6938
	)	
PRAIRIE ROCK EXCAVATING, LLC,	)	JUDGE Manning
an Illinois limited liability company	)	
Defendant,	)	MAGISTRATE JUDGE: Cole
	)	
and	)	
	)	RETURN DATE: <u>July 31, 2008</u>
EDENS BANK	)	
Wilmette, IL 60091	)	
Garnishee.	)	

**AFFIDAVIT FOR NON-WAGE GARNISHMENT**

I, Melissa L. Binetti, an attorney, on oath, state as follows:

1. Judgment was entered in this case on June 13, 2008 in favor of the judgment creditor INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150, AFL-CIO, and against the judgment debtor PRAIRIE ROCK EXCAVATING, LLC for \$6,025.06 and costs.
2. \$0.00 has been paid on the judgment.
3. There is unpaid on the judgment: 

\$6,025.06	principal
\$	costs
\$	interest
<u>\$6,025.06</u>	TOTAL
4. I believe garnishee EDENS BANK is or will be indebted to judgment debtor, other than wages, or has in its possession, custody or control property belonging to him or her or in which he/she has an interest.
5. The last known address of the judgment debtor's President and Registered Agent, Joe Baldo, is 1415 Wilmot Road, Deerfield, Illinois, 60015.
6. I request that summons be issued and directed to the garnishee.

I, the undersigned, declare under penalty of perjury that the foregoing is true and correct.

Executed on July 7, 2008.

Melissa L. Binetti  
Attorney for Plaintiff  
Local 150 Legal Department  
6140 Joliet Road  
Countryside, IL 60525  
Ph. 708/579-6663  
Fx. 708/588-1647

Signed and sworn to before me this 7<sup>th</sup> day of July, 2008.

  
Dana M. Prasauskas  
Notary Public



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

INTERNATIONAL UNION OF OPERATING )  
ENGINEERS, LOCAL 150, AFL-CIO, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO. 07 C 6938  
PRAIRIE ROCK EXCAVATING, LLC, ) JUDGE Manning  
an Illinois limited liability company ) MAGISTRATE JUDGE: Cole  
Defendant, )  
and ) RETURN DATE: July 31, 2008  
EDENS BANK )  
Wilmette, IL 60091 )  
Garnishee. )

**INTERROGATORIES TO GARNISHEE**

1. When you were served with summons, did you have in your possession, custody or control any property belonging to the judgment debtor or in which he or she had an interest?

ANSWER: [ ] Yes [ ] No

2. If your answer is yes, describe the property: \_\_\_\_\_

\_\_\_\_\_

3. When you were served with the summons, were you otherwise indebted to him or her, no matter when payable?

ANSWER: [ ] Yes [ ] No

4. If your answer is yes, state:

Description: \_\_\_\_\_

Amount: \$ \_\_\_\_\_ Date Due: \_\_\_\_\_

5. A notarized copy of the answer to these interrogatories must be mailed to the Clerk of Court at 219 South Dearborn Street, Chicago, Illinois 60604.

**AFFIDAVIT**

\_\_\_\_\_, the undersigned on oath states that the answers to the interrogatories are true. I further certify that a copy of these completed interrogatories have been sent by first class mail to the judgment debtor and the judgment creditor or his attorney at the addresses specified in the affidavit for non-wage garnishment.

Signed and sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 2008.

(Signature)

\_\_\_\_\_  
(Notary Public)